

# TEXAS GROUNDWATER PROTECTION COMMITTEE

## RECORD OF CONFERENCE

November 2, 1995 Building C, Room 131E,  
TNRCC Park 35

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## **ATTENDANCE**

### **Committee Members                      Affiliation**

Mary Ambrose, Chair	TNRCC
Phil Nordstrom	TWDB
Alan Dutton	BEG
Donnie Dipple, Alternate	TDA
Beade Northcut	TSSWCB
Richard Ginn	RCT
Bill Couch	TAGD

### **Guest Speakers**

Jon Fisher, Texas Chemical Council  
 John Tintera, Railroad Commission of Texas

<b>Agency Staff</b>	<b>Affiliation</b>	<b>Program</b>
Cary Betz	TNRCC	WP&A Div/Ground Water Assmt.
Chris Drewy	TNRCC	WP&A Div/Ground-Water Assmt.
Kelly Mills	TNRCC	WP&A Div/Ground-Water Assmt.
Steve Musick	TNRCC	WP&A Div/Ground-Water Assmt.
Annie Tyrone	TNRCC	WP&A Div/Ground-Water Assmt.
Vicki Montgomery	TNRCC	WP&A Div/Ground-Water Assmt.
Anne Miller	TNRCC	PST Division
Lee Parham	TNRCC	ET Div/Occupational Cert.
Ricky Raspberry	TNRCC	ENF Div/Water
Robert H. Blodgett	TNRCC	WU Div/Public Water Supply
Vicki Batson	TNRCC	A&WM Div/Agriculture
David Duncan	TNRCC	Intergovernmental Relations
Bruce Lesikar	TAEX	
Roger Lee	USGS	Water Resources Division
AK Charfer	TDA	
Jeannette O'Hare	TDA	

### **Interested Parties                      Affiliation**

Denise Rhodes	Consultant, Austin
Catherine Perrine	League of Women Voters
Sylvia Pope	City of Austin ECSD

**RECORD OF NOVEMBER 2, 1995****ITEM I. Call to Order and Introductions**

The Chair started the conference at 2:05 pm in Room 131E, Building C, Park 35 TNRCC Austin Complex. The Texas Agricultural Experiment Station and the Texas Department of Health were not in attendance. The Chair announced the meeting did not meet the time requirement for notification in the Texas Register and would be limited to information exchange and presentations; that no action or possible action would be discussed during the conference.

**ITEM II. Subcommittee Reports****Agricultural Chemicals**

The Chair called on Steve Musick, TNRCC, Chairman of the Agricultural Chemicals Subcommittee, to present a report on the subcommittee. Mr. Musick reported the Subcommittee met for its FY 96 first quarter meeting prior to today's conference. Mr. Musick noted the Committee heard status reports from the Site Selection, Education, Atrazine BMP, and State Management Plan (SMP) Task Forces, and that the Natural Resources Conservation Service (NRCS) gave a presentation discussing NRCS' role in working with producers on water quality and pesticides.

**Data Management**

The Chair called on Mr. Robert Blodgett, TNRCC, Chairman of the Data Management Subcommittee. Mr. Blodgett reported that the Subcommittee had not met during the quarter. The Subcommittee is reviewing the final camera ready draft of the Texas Ground-Water Data Dictionary and continuing with publication efforts.

**Nonpoint Source**

The Chair called on Vicki Montgomery, TNRCC to represent Margaret Hart, Chair of the Nonpoint Source Subcommittee. Ms. Montgomery provided a Ground-Water Nonpoint Source Workgroup - Update (Handout 1) to the members. The draft deadline for the annual effectiveness report is December 1, 1995. Any input for the report provided prior to this date will be included. As of October 31, final comments from EPA have not been received concerning the 319(h) draft work plans submitted by TNRCC and the Texas State Soil and Water Conservation Board. Len Pardee is the new NPS program coordinator for EPA Region VI.

**ITEM III. Presentations**

Jon Fisher, Sr. Vice-President of Research, Texas Chemical Council - Industries Perspective of the 74th Legislature

Mr. Fisher gave a discussion of industries perspective of environmental legislation which was passed during the 74th Regular Session. Mr. Fisher initially discussed the property rights legislation (Senate Bill 14). He said in general, the legislation was manifested from the agricultural community's perception of government (prevalently not state) infringement. Particulary, the agricultural community perceived many excesses and infringements in the name of the federal Endangered Species Act. Opponents of the property rights legislation misperceived that industry was aligned with the bill. Industry did feel anxiety to not extend "new" property rights. As enrolled, the concept of infringement of extending property rights onto neighbors, or the taking of rights from upstream dischargers, was amended out.

Next, Mr. Fisher discussed House Bill 2473, the Environmental Health, Safety, and Audit Bill. This legislation was supported by industry to increase internal scrutiny of business operations without the threat out compensatory loss, either through regulation or legal action.

Industry further supported voluntary cleanup (House Bill 2296) and NPDES delegation (House Bill 2015). Mr. Fisher noted that environmental groups felt that business interests went too far. He noted that there were, however, no reductions in environmental protection, and only reductions to paperwork and administrative procedures. Industry worked to clear cleanup impediments; i.e., facilitate responsible party cleanup and thus reduce fees. Industry supported agency funding for sound, responsible programs. Industry did not actively oppose agricultural state management plan legislation.

For the next legislature, Mr. Fisher anticipated cost-benefit analysis legislation, improvements to the hearing process, and adequacy of funding for cleanups of waste sites.

John Tintera, Deputy Assistant Director, Environmental Services/Oilfield Cleanup, Railroad Commission of Texas - Oilfield Cleanup

The 72nd Legislature created the oilfield cleanup fund with a cap of \$10 million. Currently the fund has between \$5.5 and \$6 million, and is funded by a fee of 5/16 cents per barrel of oil produced. During FY 1994, 1,364 wells were plugged and 144 sites were cleaned. To be considered for funding, the oil and gas waste regulated by the RCT must be causing or have potential to cause contamination and the responsible party must fail, refuse, be bankrupt, or be unknown. Active pollution can be addressed immediately as an emergency. The RCT always seeks reimbursement through the Attorney General. Producers, not landowners, are responsible parties.

Currently there are 350 candidates for cleanup sites (funds not dedicated yet). 250 sites are considered minor and would require less than \$25,000 to cleanup. 60 to 70 sites are estimated to cost between \$25,000 and \$50,000, and about 30 sites are estimated to cost greater than \$100,000. Sites include production sites, reclamation facilities, disposal facilities, spills, historical sites 50 to 70 years old causing active pollution, and exotic sites. Cleanup levels are determined on a case-by-case basis and reimbursement is always sought. Sites for consideration usually come into the program through the RCT field offices. The Bureau of Economic Geology investigates exotic sites through an interagency contract with the RCT. Sites are provided a

rudimentary priority ranking which considers distance to wells and depth to aquifers. Many sites and abandoned wells are discovered during inspection "sweeps". Sweeps have been conducted in southeast Texas (Houston area), the San Antonio district, and the Corpus Christi district. Future sweeps are planned in the Abilene and San Angelo areas.

#### **ITEM IV. Information Exchange for Ground-Water Related Activities**

##### **CSGWPP Development Status**

The Chair called on Mr. Musick. Mr. Musick reported on the September Region VI Ground-Water Program Representatives Meeting in Baton Rouge. Louisiana, Arkansas, and Oklahoma have submitted Core Assessments. Oklahoma has been selected as the Region's lead Core Assessment. Texas is waiting on EPA for answers to questions and moving ahead with issues. CSGWPP was discussed at the Ground-Water Protection Council meeting in Kansas City in October. Massachusetts has received EPA approval for its Core Program. Flexibility issues are being discussed with New Hampshire.

##### **Outreach Efforts - Abandoned Well Plugging Educational Initiative**

The Chair called on Lee Parham, TNRCC, Compliance Support Division. Mr. Parham provided Handout 2 on abandoned well plugging and discussed the article which appeared in Texas CO-OP Power. The article has generated over 100 calls on abandoned wells, and Mr. Parham noted that outreach will generate requests for inspections/closures. Mr. Parham also discussed USDA cost share assistance (also provided in Handout 2).

##### **1996 Water Quality Inventory Report (CWA .305b)**

The Chair called on Mr. Musick. Mr. Musick provided the members a copy of the guidance for the preparation of the ground-water assessment section of the 1996 Water Quality Inventory Report (Handout 3). Mr. Musick discussed the background for the guidance document and stressed the possibility of structuring this report to serve as a useful tool for the Committee, the Legislature, and as a portion of CSGWPP. Mr. Musick called on Kelly Mills, TNRCC, to provide more detail into guidance's contents.

Mr. Mills said the guidance differed from that of previous cycles. Previous guidance sought a statewide overview of ground-water quality based on monitoring of documented contamination sites and finished water quality data from public water supply systems, which did not provide for an accurate account of ambient ground-water quality. For the 1996 cycle, the guidance encourages states to assess ground-water quality for selected aquifers based on data availability and state-specific priorities. EPA suggests states assess ground-water quality within specific aquifers with a goal of assessing 75% of the state within a ten-year period.

Mr. Mills reported the guidance was essentially broken down into four sections, with the majority of information requested in a tabular format. Sections requested by the guidance include: an overview of ground-water contamination sources, an overview of state ground-water protection programs, a summary of ground-water quality, and an optional summary of surface

water-ground water interaction. EPA has stressed that the guidance and format should remain consistent for subsequent reporting cycles and the emphasis for discussions of ground-water quality should be placed on ambient water quality data where available.

### **Report on state official Ground Water Protection Council Fall Technical Meeting October 8-11**

The information was previously shared during the discussion on CSGWPP.

### **SFIREG Water Quality Workgroup Report**

Deferred until the first quarter meeting for FY 96.

#### **Item V. Business**

Deferred until first quarter meeting for FY 96.

#### **Item VI. Announcements**

The Chair provided the new TNRCC Organizational Chart (Handout 4) and the Ground-Water Protection Council internet home-page address (Handout 5).

Richard Ginn, RCT, reported of recent reorganization within the RCT, and will report further at the next Committee meeting. The reorganization will have no affect on the Committee.

Alan Dutton, BEG, reported the Austin Geological Society will host a presentation on Nov 6 from noon to 1:00 pm by Susan Hovorka, BEG, on the Structure and Transmissivity of the Edwards Aquifer/Management Issues.

Bill Couch, TAGD, announced the Alliance's next meeting, discussing watershed issues and Watershed Texas, would be held Nov 13 and 14 at the office of the Barton Springs/Edwards Aquifer Conservation District.

Mr. Couch announced the national Groundwater Management District Association conference to be held in Reno, Nevada on Dec 6-8.

Phil Nordstrom, TWDB, reported the Board had a home-page and would provide further details at the next meeting of the Committee. He announced that monitoring of the Dockum aquifer had been completed and the first cycle of monitoring of all of the major and minor aquifers was completed.

Mr. Musick, TNRCC, announced TNRCC's home-page and a NPS Assessment and Management Workshop to be conducted on Nov 15 at the TNRCC.

Mr. Blodgett, TNRCC, reported that the Safe Drinking Water Act reauthorization was moving again, and had been passed by the Senate Committee.

Mr. Mills, TNRCC, announced that efforts for the production of the annual joint report would be initiated in December.

The Chair announced the annual Edwards Hearing was to be conducted on Dec 6 at 7:00 pm at the San Antonio City Council chambers.

**Item VII. Public Comment**

None

**Item VIII. Adjourn**

The Chair closed the conference at 3:40 pm.

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